

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

THE SECRETARY OF THE U.S.
DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT, an agency of
the UNITED STATES OF AMERICA,

Plaintiff,

-against-

ADELINE ROBEDEE; HMS, INC. o/b/o
SUFFOLK COUNTY DEPARTMENT OF
SOCIAL SERVICES; ANGELA
BASILICATO; ANTHONY BASILICATO;
“JOHN DOE #1-5” and “JANE DOE #1-5”,
said names being fictitious, it being the
intention of plaintiffs to designate any and all
occupants, tenants, persons or corporations,
if any, having or claiming an interest in or
lien upon the premises being foreclosed
herein,

Defendants.

MEMORANDUM AND ORDER

Case No. 22-CV-0809 (FB) (JMW)

Appearances:

For the Plaintiff:

JOHN MANFREDI
Manfredi Law Group, PLLC
302 East 19th Street, Suite 2A
New York, NY 10003

BLOCK, Senior District Judge:

On December 5, 2022, Magistrate Judge James M. Wicks issued a Report and Recommendation (“R&R”) recommending that Plaintiff’s motion for a default judgment of foreclosure and sale be granted in its entirety. Magistrate Wicks found that all service and procedural requirements had been satisfied and that the allegations set forth in Plaintiff’s Complaint stated valid claims, including setting out a prima facie case for foreclosure of the premises at issue, located at 24 Longfellow Drive, Huntington Station, NY 11746 (“Premises”).

Accordingly, he recommended that Plaintiff be granted a total award of \$556,817.32, which includes \$555,479.71 in damages and \$1,337.61 for its costs and disbursements in the action. The R&R also recommended granting pre-judgment interest that accrued from April 20, 2022 through the date of the entry of this Order, as well as post-judgment interest accruing at the federal statutory rate from that date, until the judgment is paid in full. Finally, Magistrate Wicks recommended that the Court sell the Premises as one parcel, and that the Court appoint a Master, Lisa A. Perillo, Esq., to conduct the foreclosure sale at the cost of \$750, to be subtracted from the proceeds of the foreclosure sale. Other such expenses to be deducted from the proceeds of the foreclosure sale include “(i) The expenses of the sale, including the cost of advertising as shown on the bills presented and certified by the Master to be correct, copies of which shall be

annexed to the Master's Report of Sale.; and (ii) Pursuant to N.Y. Real Property Actions and Proceedings Law § 1354, in accordance with their priority according to law, taxes, assessments, sewer rents, water rates and any charges placed upon the property by a city agency which have priority over the foreclosed mortgage, which are liens on the premises at the time of sale with such interest or penalties which may have lawfully accrued thereon to the date of payment." (R&R at 12-13) (internal quotations omitted).

Magistrate Wicks's R&R stated that failure to object within fourteen days of the date of the R&R waives the right to appeal, precluding further review either by this Court or the Court of Appeals. No objections were filed. If clear notice has been given of the consequences of failing to object and there are no objections, the Court may adopt the R&R without de novo review. *See Smith v. Campbell*, 782 F.3d 93, 102 (2d Cir. 2015) ("Where parties receive clear notice of the consequences, failure to timely object to a magistrate's report and recommendation operates as a waiver of further judicial review of the magistrate's decision.") (internal citations omitted). The Court will excuse the failure to object and conduct de novo review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000). No such error appears here.

Accordingly, the Court adopts the R&R without de novo review and directs the Clerk to enter judgment in accordance with the R&R.

SO ORDERED.

/S/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
December 22, 2022